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General Assembly

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Fifty-third session
Agenda item 110 (c)
Human rights questions: Human rights situations and reports of special rapporteurs and representatives

Technical cooperation programme in Haiti

Report by the Secretary-General

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98-31477 (E) 271098

I. Introduction

1. At its fifty-second session, the General Assembly, in its resolution 52/138 of 12 December 1997, welcomed the fact that the Office of the United Nations High Commissioner for Human Rights had prepared a technical cooperation programme aimed at strengthening Haiti's institutional capacity in the field of human rights and requested the Secretary-General to submit to it at its fifty-third session a report on the implementation of that programme.

2. At its fifty-fourth session, the Commission on Human Rights, taking account of the report on the situation of human rights in Haiti submitted to the General Assembly by the independent expert of the Commission on Human Rights, Mr. Adama Dieng (A/52/499), and forwarded to the Commission, adopted resolution 1998/58, in which it encouraged the political leaders and representatives of Haitian civil society to pursue a dialogue whereby agreement may be rapidly reached and the deadlock created with regard to the appointment of a prime minister may thereby be overcome.

3. The Commission on Human Rights noted with gratitude the report of the independent expert, welcomed the report of the Secretary-General on the implementation of the programme of technical cooperation in Haiti (A/52/515), which the Office of the United Nations High Commissioner for Human Rights was conducting for the purpose of strengthening institutional capacity in that field and especially in the areas of legislative reform, training of justice administration personnel and human rights education, and requested the Secretary-General to submit a further report on the implementation of the programme to the Commission at its fifty-fifth session.

4. The present report contains information on the implementation of the human rights technical cooperation programme, in accordance with the above-mentioned resolutions. It supplements the report submitted by the independent expert on the development of the human rights situation in Haiti.

II. Mandate and activities

5. The programme of technical cooperation to strengthen the capacities of the political and parapolitical structures in the field of human rights was prepared by the Office of the United Nations High Commissioner for Human Rights in close cooperation with the Government of Haiti and other parties, including the International Civilian Mission in Haiti (MICIVIH) and the United Nations Development Programme (UNDP). The programme aims at strengthening institutional capacity in the field of human rights, in particular in the areas of legislative reform, training of justice administration personnel and human rights education.

6. Specifically, the programme includes two human rights training seminars for human rights associations and local representatives. It also provides for assistance in the reform of the criminal legislation.

7. The timing of the programme's implementation helped to consolidate cooperation between other agencies or groups within the United Nations system, such as UNDP's governance assistance, as well as the many activities of MICIVIH. In this connection, during the preparation of its own activities, the Office of the High Commissioner for Human Rights participated in the activities organized by UNDP and MICIVIH.

8. While the first part of the programme was implemented by the Office of the High Commissioner itself, in considering the implementation of the second part of the programme, due note had to be taken of the decision of the General Assembly, to renew the mandate of the International Civilian Mission to Haiti (resolution 51/196 B of 31 July 1997). In view of the increased involvement of MICIVIH in training activities, as well as its experience in assisting in the area of administration of justice, the Office of the High Commissioner, in agreement with MICIVIH, decided to transfer to the latter the implementation of the remaining activities of the programme of technical cooperation.

III. Conclusions

9. A number of United Nations bodies are involved in technical cooperation projects for the promotion of human rights in Haiti. One of these is MICIVIH, whose activities include training in and monitoring observance of human rights. UNDP, which is working closely with the Special Representative of the Secretary-General and his Mission, is concerned with the strengthening of national capacities, particularly in the prison and judicial areas, and is promoting coordinated efforts on the part of the United Nations system as a whole. The High Commissioner has supported the National Commission of Truth and Justice and, in cooperation with UNDP and MICIVIH, has provided training in human rights at the grass-roots level (civic education and training of civil society).

10. The High Commissioner's programme complements the activities of the various United Nations agencies and programmes in Haiti and forms part of overall United Nations action in support of government efforts aimed at restoration of the rule of law, reconstruction and development. UNDP and MICIVIH are very much involved in these areas and the renewal of the mandate of MICIVIH has provided an element of continuity to its programme and enhanced further the possibilities for cooperation among the agencies and programmes of the United Nations system. For that reason, the High Commissioner for Human Rights found that, in order to ensure cost-effectiveness, complementarity and coordination, it was more appropriate to transfer the implementation of the technical cooperation programme to MICIVIH.

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GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-third year

Letter dated 20 October 1998 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 19 October 1998, addressed to you by His Excellency Mr. Aytuğ Plûmer, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex, which contains a letter from His Excellency Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, concerning the address made by Mr. Glafkos Clerides, the leader of the Greek Cypriot administration, at the fifty-third session of the General Assembly on 25 September 1998, would be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Volkan VURAL
Ambassador
Permanent Representative

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Annex

Letter dated 19 October 1998 from Mr. Aytuğ Plümer
to the Secretary-General

I have the honour to enclose herewith a letter dated 16 October 1998 addressed to you by His Excellency Mr. Rauf R. Denktaş, President of the Turkish Republic of Northern Cyprus, concerning the address made by Mr. Glafkos Clerides, leader of the Greek Cypriot administration, at the fifty-third session of the General Assembly on 25 September 1998.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Aytuğ PLÜMER
Representative
Turkish Republic of Northern Cyprus

Appendix

Letter dated 16 October 1998 from Mr. Rauf R. Denktaş to the Secretary-General

I have the honour to refer to the address made by Mr. Glafkos Clerides, the leader of the Greek Cypriot administration, in his purported capacity as "President of the Republic of Cyprus", at the fifty-third session of the General Assembly on 25 September 1998.

In the absence of Turkish Cypriot participation at the General Assembly, Mr. Clerides, having forgotten the agony of Turkish Cypriots during 1963-1974, has once again preferred to rest his argument on the false premise that the arrival of Turkish troops in 1974 marks the beginning of the Cyprus problem. He has also forgotten the exchange of population agreement which he had made with me in Vienna in 1975 and the agreement on bi-zonality made in order to prevent my people from being, once again, subject to the inhuman treatment accorded to them for 11 years until their redemption by Turkey.

Mr. Clerides claimed the right for all Greek Cypriot "refugees" to return to the North as a precondition for peace on the island. Naturally, his listeners could not realize that this is a demand for the right to push all Turkish Cypriot refugees, most of whom have been uprooted from their homes thrice in three decades, out into the sea, since they will not return to the South to suffer the same agony that they had suffered between the years 1963 and 1974.

Worst of all, Mr. Clerides in his statements in New York and in Cyprus has incredibly denied the existence of the basic principle of "exchange of property and compensation", which the Secretary-General has set as one of the parameters in the set of ideas (S/24472, annex), thus destroying all vestiges of trust between us. Furthermore, his pronouncement that the Cyprus problem cannot be settled within the context of the "old 1960 agreements", is a clear confirmation that the main objective in the criminal "Akritas Plan", which was prepared and executed in order to wipe out the Turkish Cypriot population from Cyprus and remove all obstacles to the Hellenization of Cyprus by abrogating the said agreements, is still very much alive.

Again, feeling secure in his unilateral appeal to the General Assembly, Mr. Clerides forgot his admission to me at Glion (in the presence of your Special Adviser on Cyprus, Mr. Diego Cordovez) - which he later repeated to Mr. Richard C. Holbrooke in Nicosia - to the effect that he knows he is not the government of the Turkish Cypriots and he does not claim to be so.

Mr. Clerides' excuse for reverting back to the false pretence that he represents the whole island and its whole population was stated by him to be the fact that his administration is recognized as the "Government of Cyprus".

I, of course, did not expect Mr. Clerides to tell the world that he was not the "Government of Cyprus" since in 1963 he had destroyed the partnership state established under the 1960 Treaties in order, in his own words, "to convert

Cyprus into a Greek Cypriot Republic" and demote the Turkish Cypriot co-founder partner "into a protected minority in a Greek Cyprus".

His speech before the General Assembly reminded me of the confession he made at a press conference in Southern Cyprus on 6 November 1997 that his purpose in attending the intercommunal talks was for "tactical reasons" in order to say yes to everything that the Turkish Cypriot side would reject, thus exposing the Turkish side as "intransigent", boasting also that he has been successful in this tactic all along. Mr. Clerides has, once again, applied his "tactic" in the General Assembly by pretending that he is ready and willing to start the talks with me.

Naturally, no one listening remembered that Mr. Clerides' whole career has been based on complete rejection of everything that stood for power-sharing with the Turkish Cypriot side on the basis of the 1977-1979 high-level agreements. It is an irony that Mr. Clerides has won two elections on the platform that he will integrate with Greece and that the United Nations set of ideas was a sell-out to the Turkish Cypriot side.

During the years between 1994 and 1996, my constant appeals to Mr. Clerides to come to the negotiating table, on the basis of the United Nations set of ideas, were consistently turned down with the excuse that there was no "common ground". Mr. Clerides had to say something in his address to the General Assembly in 1996, about his constant refusal to meet with me:

> "We are prepared to embark on face-to-face negotiations in 1997 once the ground has been sufficiently prepared to ensure success. We are not, however, willing, after 22 years of negotiations which have not yielded any result on the main issues of the problem, to embark on another round of fruitless talks, which on the one hand destroy the credibility of the negotiating process, while on the other keep the attention of the international community focused on the constitutional aspect of the problem, thus overshadowing the real issue which is the invasion and continued occupation for 22 years of substantial territory of the Republic of Cyprus by the Turkish forces."

And when we finally met at Troutbeck and later at Glion, he even objected to the mentioning of the United Nations set of ideas.

He had indeed destroyed, directly and through the European Union decisions adopted at the behest of the Greek Cypriot side and Greece, all the parameters on which the talks could continue. The purchase of the sophisticated S-300 Russian missile system, giving military air and naval bases to Greece and unilateral application to the European Union for membership are but a few of the examples that destroyed the parameters of a solution.

Mr. Clerides rejected, for the first time, the parameter that provided for "exchange of property and compensation", believing that membership in the European Union would nullify such undertakings previously made. He told me that he was not going to discuss "sovereignty" with me because the sovereignty of Cyprus was intact and internationally recognized. The 1960 agreements, which had created a partnership between two peoples and the parameter that underlined

the fact that sovereignty of the bi-zonal, federal Republic would emanate from the two peoples, was thus deemed irrelevant.

Mr. Clerides believed that the deliberate destruction of the 1960 partnership Republic and the ousting by force of arms of Turkish Cypriots from all the organs of the state, the inhuman treatment of Turkish Cypriots for 11 years and the destruction of 103 villages and the usurpation of our lands were actions that made them the legitimate masters of Cyprus and that consequently we had no right to talk about a new arrangement for our rights, as an ex-partner, so that our plight of 1963-1974 would not be repeated.

I kept on reminding Mr. Clerides that the destruction of the partnership has not destroyed the Turkish Cypriot partner and that we have established our own state. In view of the continuing usurpation by the Greek Cypriot side of what would have been a "joint seat of government", it became essential that the world as well as the Greek Cypriot side should hence know who was talking to whom when sitting at a new round of talks. The intercommunal talks, which went on for decades and produced no tangible results, could not be the new process. Treating the two parties as political equals was meaningless as long as one of those equals was allowed to continue under the false title of "the Government of Cyprus", taking unilateral decisions and affecting the future of the whole of Cyprus. When I challenged Mr. Clerides on this incompatibility, his answer was very clear! He told me that the continuation of the intercommunal talks was no reason for the government to stop its governmental activities and that I had no right **at the intercommunal talks to question those activities**. So it became clear that Mr. Clerides was most sincere in his statement that he attended the intercommunal talks for **tactical reasons** "in order to say yes whenever the Turkish Cypriot side said no, thus exposing the Turkish Cypriot side as intransigent". This was a shocking revelation to us because we had wasted three decades in what we thought was a serious result-oriented process. We have now learned that the Greek Cypriot priority was, and still is, "governmental activities", such as the processing of its unilateral application for European Union membership. Greek Cypriot attempts since 1963 to convert Cyprus into a Greek Cypriot Republic had entered a new phase: Greek Cypriot leaders believed that they had fully deceived the world and that the title deed of Cyprus was now theirs. Our Declaration of Independence back in 1983 in order to show to them, in the words of President Clinton, **that there are two owners of Cyprus: Turkish Cypriots and Greek Cypriots** has not apparently sufficed to prove to them this reality.

The European Union's interpretation of the Greek Cypriot application as a proper application by Cyprus had destroyed all hope for reunification under a federal structure, because Greek Cypriot leaders believed that they had acquired the title deed of Cyprus and that, sooner or later, through European Union membership, this would become an indisputable fait accompli.

It was the balance created between Turkey and Greece in 1960 that prevented the attempt by Greece in 1974 to grab Cyprus. It is these old agreements that created a "state of affairs" that would have to be the bulwark of any future settlement. This delicate external balance between the two motherlands was reinforced internally by providing a partnership state on the condition that one community had no right to impose its political will on the other, nor to

dominate the other, while giving each community full autonomy in "communal affairs". Thus a sui generis, functional federal system was brought about. It is this sui generis system, this partnership, that the Greek Cypriot side has destroyed by force of arms, and that they strive to get away with it as if the Republic of Cyprus was a unitary Greek Cypriot state, which they represent as a nation of Cypriots. It is their "Greek leader" Archbishop Makarios who put on record on 28 March 1963 that the agreements did not create a nation. He declared: **"there is no Cypriot nation ... We are Hellens"**. And, as such, Mr. Clerides is trying to convert the island into a second Hellenistic republic and we, the Turks of Cyprus, are refusing to bow to this criminal attempt at colonization.

The following excerpts from the Greek Cypriot press will suffice to show to what extent the Greek Cypriot leadership has integrated "Cyprus" with Greece and the boastful remarks that they have succeeded in full integration and that the rest will be completed through European Union membership:

"Clerides stated that the distance between Greece and Cyprus has been reduced to zero and said 'Greece and Cyprus have decided that they will be in the same trenches in order to secure the rights of Cyprus Hellenism'" (Greek Cypriot daily Fileleftheros of 5 July 1998);

"Greece is here, because Cyprus is Greece" (Greek President Stephanopoulous, quoted by Greek Cypriot daily Simerini of 25 June 1998).

Furthermore, Mr. Clerides accuses us and Turkey of secessionist policies. Mr. Clerides apparently expected us to recognize the illegal Greek Cypriot establishment as our government. That we have not done and will never do. Secession means breaking away from a legitimate state. But we were thrown out of the joint state by force of arms in December 1963. The unsuccessful Greek Cypriot attempt to convert Cyprus into a Greek Cypriot Republic resulted in the division of the island. In spite of this failure, the insistence of the Greek Cypriot leaders to continue the deception that they were "the government of Cyprus" obliged us to prove the contrary. Hence, the declaration of our statehood. Refusal to see this reality and instead to give priority to "governmental activity" and to "European Union membership" in order to make, in the words of Mr. Clerides, "Hellenism in Cyprus victorious" necessitated our new move for securing our existence as Turkish Cypriot people. Hence, our recent offer of confederation, implying a movement in the direction of unity, but starting from the realities of Cyprus, from the existence of, in the words of the Foreign Minister of Italy, Mr. Lamberto Dini, two peoples, two democracies, two administrations in Cyprus.

I am accused of lacking the will to settle the problem. Oddly enough it is my signature that is under all the formulae worked out for a fair settlement by successive United Nations Secretaries-General. It has been the Greek Cypriot rejection of such documents that has prevented a settlement. Such rejections are because the usurper of power is internationally recognized as the legitimate "government of Cyprus".

Mr. Clerides wants all Cypriots to have security - in their homes and in their communities. The proposals for a confederate settlement will give this in full to Cyprus. A confederate settlement will put an end to the claim that 100 per cent Greek Cypriot administration is the government of all, and is entitled to push all Turkish Cypriot refugees out to the sea under a plea of human rights.

Mr. Clerides wants all Cypriots to pursue their livelihoods free from economic restrictions and the fear of instability. My proposal for a settlement on a confederate basis will amply provide for this. When the Greek Cypriot side realizes that Turkish Cypriots are the co-owners of this island, enjoying as much right as they have and that they need to cooperate with us as equals, then we will be free of economic restrictions and the fear of instability. It is odd that the person who puts forward this grand vision is the very authority who has adamantly been imposing an inhuman and illegal economic, social, political and sports embargo on my people for 35 years now, because we are "guilty" of not bowing to the Greek Cypriot aspirations.

I challenge Mr. Clerides to remove all these restrictions on us in order to show that he is a man of his word and that he is not paying lip-service to these lofty principles for tactical reasons.

A confederate set-up, while uniting the two states on the essentials of a united Cyprus at the top, will prevent Greek Cypriot leaders from reverting back to the measures of restrictions, harassment and economic and other embargoes upon us in the future. What we propose is in line with a vision of co-existence on the basis of political equality and sovereignty. We are taking precautions against deeds and we are not going to be influenced by mere words.

Mr. Clerides declared that he wants all Cypriot children to know their distinct cultural and religious heritage and to be able to carry their identity and political rights into the future without fear of domination from any quarter. As to the assurance of our identity and political rights "without fear of domination from any quarter", I urge Mr. Clerides to accept that a confederate set-up will totally eliminate such fears. So, if his vision is all that he says it is, why insist on a set-up that will give Greek Cypriots a chance to repeat the 1963-1974 events in Cyprus?

The concern of Mr. Clerides about single sovereignty, indivisibility and unity of the bi-communal, bi-zonal federation and such a federation becoming a member of the European Union does not give us confidence because the Greek Cypriot side never believed in a bi-zonal federation and never conceded our sovereign political equality, which is so essential for re-establishing a partnership state among equals. It is he who has destroyed all chances of a federal settlement by refusing to acknowledge our political equality and sovereignty.

While maintaining the position that the return of all Greek Cypriot refugees is a precondition for a settlement, he prefers to ignore the fact that this demand destroys the basis foundation of bi-zonality.

His assertion that "this federation, being a member of the European Union, will thrive at home and abroad" indicates the little respect he has for the Turkish Cypriot side, for he should have know the well-expressed policy of the Turkish Republic of Northern Cyprus and of Turkey on this issue. Mr. Clerides fails to understand that Turkish Cypriots are as mature and responsible as Greek Cypriots are and that they do not want others to tell them what is good or bad for them. The interference of the European Union in the affairs of Cyprus, at the beck and call of the Greek Cypriot side and of Greece, has destroyed the foundation of a federal settlement and yet Mr. Clerides expects us to believe that a federal structure will ensue and will become a member of the European Union.

No Turkish Cypriot will accept Mr. Clerides' statement as true or sincere when he says that he believes "the gap between what ordinary Turkish Cypriots and Greek Cypriots want and need in a settlement is not so great as it might appear".

The gap between our respective peoples is one of confidence, resting on the attempt, at gunpoint, to impose Greek Cypriot political will upon us as "the Government of Cyprus", knowing well that there is no legal or moral justification for doing so. Thirty-five years of this illegal and immoral attempt have created a deep crisis of confidence and security between the two peoples. A confederate settlement is the way to override the crisis, in time, as it will give ample security to both sides to be the sovereign masters of their respective states while joining hands in agreed functions at the confederate level.

I am ready to meet with Mr. Clerides once he tells the world what he has told me and later repeated to others that his administration is not the government of the Turkish Cypriots and does not aspire to be the government of the Turkish Cypriots, so that the world, including the European Union countries, will realize that the unilateral application made by the so-called "Government of Cyprus" is an application made by the Greek Cypriot side only and does not, in any way or manner, cover the whole of Cyprus or involve the Turkish Cypriots in the North.

An invitation for talks as two communal leaders, while addressing the General Assembly as the "President of Cyprus" and referring to the Greek Cypriot administration as "the Government of Cyprus" is a tactical move that does not have merit for serious consideration.

The Turkish Republic of Northern Cyprus is as much a reality as the Greek Cypriot administration in the South. The political will of my people is as genuine and democratic as that of the Greek Cypriot people. The Turkish Republic of Northern Cyprus has no policy of extending its boundaries or its sovereignty over the South. The Greek Cypriot administration should make a similar announcement that it has no policy to dominate the North. An autonomous claims commission should be established to work on the modalities of an exchange of property and compensation and all internal and international activity to the contrary should be stopped.

Turkish presence in Cyprus should be accepted for what it is: a legal deterrent against the occupiers of the seat of the joint government who are using the title of the "Government of Cyprus" in order to harm the interest, equality and sovereignty of Turkish Cypriots. It is the presence of Turkish troops that has brought my people peace and security. Turkey, as a guarantor motherland, is duty-bound to help us keep peace in the island.

Mr. Clerides claims that "the Government of the Republic of Cyprus", which he knows he is not, "will continue to exercise its sovereign right to strengthen its defence as long as Turkish forces remain in Cyprus", and that there is a "continuous threat against Cyprus by the vastly superior military might of Turkey whose aim is to keep the island a perpetual hostage, to destroy its sovereignty and to reduce it to a Turkish protectorate". It is very bizarre to view himself as the protector of the sovereignty of Cyprus when it is the Greek Cypriot leadership that has destroyed and divided it by trying to convert a partnership state into a Greek Cypriot state. It is equally bizarre to present Turkey as a threat to "Cyprus" when Turkey is here to prevent the annihilation of Turkish Cypriots. The Greek Cypriot leadership should recant and acknowledge the realities of Cyprus if it is really interested in establishing a common future with us.

(Signed) Rauf R. DENKTAŞ
President

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GENERAL ASSEMBLY
Fifty-third session
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MEASURES TO ELIMINATE INTERNATIONAL
TERRORISM

SECURITY COUNCIL
Fifty-third year

Letter dated 20 October 1998 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to a heinous act of terrorism perpetrated yesterday in the Israeli city of Beersheba, carried out by Palestinian terrorists.

In the attack, two fragmentation grenades were hurled at a crowd of passengers in the city's central bus station. The attack took place close to 8 a.m., when the bus terminal was filled with morning commuters. Over 64 individuals, including women and children, were injured in the attack, some of them critically.

The Palestinian terrorist suspect was apprehended at the scene of the crime, and is presently under investigation. It has been ascertained that he is from area H-1 in Hebron, which is under the full security and civilian control of the Palestinian Authority.

The attack was timed to coincide with the Israeli-Palestinian summit meeting taking place in Maryland, and was clearly intended to undermine its success. It was calculated not only to kill Israelis, but to derail the peace process as well.

The vicious attack underscores Israel's position that effective security measures to combat terrorism must constitute an imperative and central component in any agreement reached between the sides.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 155, and of the Security Council.

(Signed) Ambassador Dore GOLD
Permanent Representative

United Nations A/53/533

General Assembly

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Fifty-third session
Agenda items 112 and 119

Review of the efficiency of the administrative and financial functioning of the United Nations

Human resources management

Report of the Fifth Committee

Rapporteur: Mr. Tammam **Sulaiman** (Syrian Arab Republic)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Review of the efficiency of the administrative and financial functioning of the United Nations" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the question of gratis personnel provided by Governments and other entities, under item 112 in conjunction with item 119, entitled "Human resources management", at its 3rd, 5th and 8th meetings, on 5, 7 and 15 October 1998. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/53/SR.3, 5 and 8).

3. For its consideration of the item the Committee had before it the following documents:

(a) Report of the Advisory Committee on Administrative and Budgetary Questions on gratis personnel provided by Governments and other entities (A/53/417);

(b) Report of the Secretary-General on gratis personnel and other entities in peacekeeping operations (A/C.5/52/54/Rev.1);

(c) Report of the Secretary-General on gratis personnel provided by Governments and other entities, containing the fourth quarterly report on the acceptance of type II gratis personnel from 1 April through 30 June 1998 (A/C.5/52/56).

98-31582 (E) 221098

II. Consideration of draft resolution A/C.5/53/L.8

4. At the 8th meeting, on 15 October, the representative of the Bahamas, Vice-Chairman of the Committee and coordinator of informal consultations, introduced a draft resolution entitled "Gratis personnel provided by Governments and other entities" (A/C.5/53/L.8) and orally revised it as follows:

(a) In operative paragraph 6, the phrase "commitment of the Secretary-General to complete" was replaced by the phrase "commitment and assurances of the Secretary-General that", and the words "will be completed" were inserted before the words "by 28 February 1999";

(b) In operative paragraph 7, the words "to ensure" were replaced by the word "secure".

5. At the same meeting, the Director of the Operational Services Division of the Office of Human Resources Management made a statement.

6. Also at the same meeting, the Committee adopted draft resolution A/C.5/53/L.8, as orally revised, without a vote (see para. 7).

III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Gratis personnel provided by Governments and other entities

The General Assembly,

Reaffirming its resolutions 51/243 of 15 September 1997, 52/217, 52/218 and 52/220 of 22 December 1997 and 52/234 and 52/248 of 26 June 1998,

Having considered the reports of the Secretary-General[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Reaffirms* that the circumstances in which the Secretary-General can accept gratis personnel should be in strict compliance with paragraphs 4 (a) and (b) of its resolution 51/243;

2. *Notes* that the decrease in type II gratis personnel is continuing, as requested by the General Assembly in paragraph 9 of its resolution 51/243;

3. *Notes with concern* that the information provided by the Secretary-General fails to demonstrate the extent to which all gratis personnel accepted in the Department of Peacekeeping Operations provide very specialized expertise not available within the Organization, as is required under paragraph 4(a) of General Assembly resolution 51/243;

4. *Also notes with concern* the observation by the Advisory Committee on Administrative and Budgetary Questions that the cases of the acceptance of gratis personnel by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of

[1] A/C.5/52/54/Rev.1 and A/C.5/52/56.

[2] A/53/417.

Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, referred to in the reports of the Secretary-General,[3] contravene the provisions of its resolution 51/243, which do not allow acceptance of gratis personnel on the grounds of failure by the Secretariat to recruit staff in an expeditious manner;[4]

5. *Further notes with concern* that the extension of the deadline for the submission of applications for the replacement of type II gratis personnel has resulted in cases of differential treatment among Member States;

6. *Takes note* of the commitment and assurances of the Secretary-General that the recruitment process for the replacement of type II gratis personnel, including those in the two international tribunals, will be completed by 28 February 1999, in accordance with General Assembly resolutions 52/234 and 52/248;

7. *Requests* the Secretary-General to further improve the planning and implementation mechanism in human resources management in a transparent manner and secure the independent and efficient work of the Secretariat pursuant to Articles 100 and 101 of the Charter of the United Nations and the relevant resolutions adopted by the General Assembly;

8. *Also requests* the Secretary-General to ensure that recruitment for any new posts arising from the phase-out of gratis personnel is made on as wide a geographical basis as possible with due regard to gender;

9. *Further requests* the Secretary-General to report to the General Assembly on the implementation of the phase-out of type II gratis personnel at its resumed fifty-third session.

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[3] A/C.5/52/51 and A/C.5/52/56.

[4] See A/53/417, para.8.